

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed June 8, 2007. At that time, claims 1, 5-8, 10-11, 14-16, 20-22, 24-31, 34-38, 40, 42, and 43 were pending. In the Office Action, the Examiner objected to claim 14. Accordingly, by this paper, claim 14 has been canceled.

In the Office Action, the Examiner rejected claims 16, 20, 22, 25, and 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,443,484 to Anglsperger (hereinafter "Anglsperger"). Claims 1, 5-8, 10, 11, 14, 15, 31, 34-38, 40, 42, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,533,748 to Wirt et al (hereinafter "Wirt") in view of U.S. Patent No. 6,180,207 to Preisler et al (hereinafter "Preisler"). Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of U.S. Patent No. 5,172,932 to Watanabe et al. (hereinafter "Watanabe"). Claims 24 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of Wirt. Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of U.S. Patent No. 5,961,143 to Hlywka et al. (hereinafter "Hlywka"). Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of Preisler.

By this paper, claims 1, 16, 27, 31, and 43 were amended and claims 26 and 29 were canceled. Favorable consideration is respectfully requested.

**I. Rejection of Claims 1, 5-8, 10, 11, 14, 15, 31, 34-38, 40, 42, and 43 Under 35 U.S.C. § 103(a)**

Claims 1, 5-8, 10, 11, 14, 15, 31, 34-38, 40, 42, and 43 were rejected under § 103(a) as being unpatentable over Wirt in view of Preisler. This rejection is respectfully traversed.

It is well settled that a rejection under § 103(a) requires that all of the claim elements be taught or suggested by the prior art references. *See* MPEP § 2143.03. In the present case, independent claims 1 and 31 have been amended to recite that the applique film is substantially transparent such that at least a part of the exposed surface of the substrate is visible from the vehicle interior. Similarly, independent claim 43 has been amended to recite that the applique

film means is substantially transparent such that at least a part of the exposed surface of the substrate is visible from the vehicle interior. In other words, because the applique film is at least substantially transparent, a user in the vehicle interior will be able to see (at least partially) through the applique film and will view at least a part of the exposed surface. This claim element is specifically taught by the specification. *See e.g.*, Specification, p. 6, line 22-p. 7, line 2; p.10, lines 21-23.

This claim element is not taught or suggested by the combination of Wirt and Preisler. The Examiner asserts that the "exposed surface" of the present claims is taught by elements 38 and 46 of Wirt. Elements 38 and 46 of Wirt constitute a "substrate" and an "intermediate foam layer," respectively. According to the Examiner, Preisler teaches the claimed substantially transparent applique film. However, even if the substrate 38/intermediate foam layer 46 were covered with a substantially transparent "applique film" of the type taught by Preisler (as asserted by the Examiner), no portion of the substrate 38/intermediate foam layer 46 would not be visible from the interior of the vehicle, as required by the present independent claims. The reason for this is that Wirt teaches an additional layer 48, namely the "trim layer 48" that covers the substrate 38/intermediate foam layer 46. Thus, even if there were a substantially transparent applique film layer added to Wirt's system, the vehicle occupant would view the trim layer 48 and not the substrate 38/intermediate foam layer 46 (*i.e.*, not the "exposed surface"). As such, even if combined Wirt and Preisler fail to teach the element that the occupant will see through the applique film and will view at least a part of the exposed surface. For this reason, independent claims 1, 31, and 43 are allowable over the combination of Wirt and Preisler. Withdrawal of this rejection is respectfully requested.

Claims 5-8, 10, 11, 14, and 15 depend either directly or indirectly from claim 1. Claims 34-38, 40, and 42 depend either directly or indirectly from claim 31. Accordingly, Applicants respectfully request that the rejection of dependent claims 5-8, 10, 11, 14, 15, 34-38, 40, and 42 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1 and 31.

## **II. Rejection of Claims 16, 20, 22, 25, and 28 Under 35 U.S.C. § 102(b)**

The Office Action rejected claims 16, 20, 22, 25, and 28 Under 35 U.S.C. § 102(b) as being anticipated by Anglsperger. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaul Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Anglsperger because this reference does not disclose all of the elements in these claims. Specifically, independent claim 16 has been amended to recite that "the applique film is substantially transparent and has substantially the same thickness across the entirety of the exposed surface." Support for this element is found throughout the specification and is shown, for example, in Figures 1, 2, 4, and 5. This element is not taught by Anglsperger. To the extent that Anglsperger teaches an applique film, this film is not substantially transparent and has varying thickness across the entirety of the surface, as shown by the inclusion of the initiating portion 5 in Figure 4. Accordingly, as Anglsperger fails to teach all of the elements of claim 16, this claim is patentable over Anglsperger. Withdrawal of this rejection is respectfully requested.

Claims 20, 22, 25, and 28 depend either directly or indirectly from claim 16. Accordingly, Applicants respectfully request that the rejection of dependent claims 20, 22, 25, and 28 be withdrawn for at least the same reasons as those presented above in connection with independent claim 16.

### III. Rejection of Claim 21 Under 35 U.S.C. § 103(a)

Claim 21 was rejected under § 103(a) as being unpatentable over Anglsperger in view of Watanabe. This rejection is respectfully traversed.

It is well settled that a rejection under § 103(a) requires that all of the claim elements be taught or suggested by the prior art references. *See* MPEP § 2143.03. In the present case, claim 21 depends from claim 16, and thus requires that “the applique film is substantially transparent and has substantially the same thickness across the entirety of the exposed surface.” As noted above, this element is not taught by Anglsperger. Similarly, Watanabe also fails to teach or suggest this element. Accordingly, as all claim elements have not been taught, these references do not render claim 21 unpatentable under § 103(a). Withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 24 and 30 Under 35 U.S.C. § 103(a)**

Claims 24 and 30 was rejected under § 103(a) as being unpatentable over Anglsperger in view of Wirt. This rejection is respectfully traversed.

It is well settled that a rejection under § 103(a) requires that all of the claim elements be taught or suggested by the prior art references. *See* MPEP § 2143.03. In the present case, claims 24 and 30 depend from claim 16, and thus requires that “the applique film is substantially transparent and has substantially the same thickness across the entirety of the exposed surface.” As noted above, this element is not taught by Anglsperger or Wirt. Accordingly, as all claim elements have not been taught, these references do not render claims 24 and 30 unpatentable under § 103(a). Withdrawal of this rejection is respectfully requested.

**V. Rejection of claims 26 and 27 Under 35 U.S.C. § 103(a)**

Claims 26 and 27 was rejected under § 103(a) as being unpatentable over Anglsperger in view of Hlywka. Claim 26 has been canceled. However, with respect to claim 27, this rejection is respectfully traversed.

It is well settled that a rejection under § 103(a) requires that all of the claim elements be taught or suggested by the prior art references. *See* MPEP § 2143.03. In the present case, claim 27 depends from claim 16, and thus requires that “the applique film is substantially transparent and has substantially the same thickness across the entirety of the exposed surface.” As noted above, this element is not taught by Anglsperger. Similarly, Hlywka also fails to teach this

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element. Accordingly, as all claim elements have not been taught, these references do not render claim 27 unpatentable under § 103(a). Withdrawal of this rejection is respectfully requested.

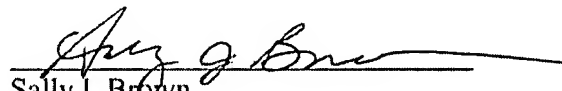
**VI. Rejection of Claim 29 Under 35 U.S.C. § 103(a)**

The Office Action rejected claim 29 under § 103(a) as being unpatentable over Anglsperger in view of Preisler. This claim has been canceled.

**VII. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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